

September 30, 2015

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street S.W.  
Washington, DC 20554

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**Re: Request for Clarification of the FCC's Order**  
***In the Matter of Regulation of Prepaid Calling Card Services***  
**WC Docket No. 05-68**

Dear Ms. Dortch,

On behalf of our client, I am submitting a request for clarification of the following order issued by Federal Communications Commission (FCC) (hereinafter referred to as the "2006 Order"):

***In the matter of Regulation of Prepaid Calling Card Services***  
**WC Docket No. 05-68**  
**June 1, 2006.**

The 2006 Order requires that, inter alia, prepaid calling card service providers pay access charges to Local Exchange Carriers (LECs) for intrastate and interstate calls. 2006 Order, para. 1<sup>1</sup>. On the other hand, however, the 2006 Order includes a general clause stating "... *these providers are now subject to all of the applicable requirements of the Communications Act and the Commission's rules, including requirements ... to pay access charges.*" *Id.*, para. 21 (emphases added, hereinafter referred to as "General Clause").

This General Clause suggests that the 2006 Order also authorizes LECs to charge access fees for international calls because the Communication Act includes regulations of international calls. One of the pertinent statutes is the following:

(a) Filing; public display

Every common carrier, except connecting carriers, shall, within such reasonable time as the Commission shall designate, file with the Commission and print and keep open for public inspection schedules

<sup>1</sup> The original language is "As such, these providers must pay intrastate access charges for interexchange calls that originate and terminate in the same state and interstate access charges on interexchange calls that originate and terminate in different states." 2006 Order, para 1.

showing all charges for itself and its connecting carriers for interstate and *foreign wire or radio communication* between the different points on its own system....

47 U.S.C. 203(a) (emphases added)

In fact the 2006 Order does not mention any access charges relating to international calls at all. The only language mentioning international calls is regarding contribution to the Universal Service Fund (USF).<sup>2</sup> Other than the subject of the USF, the 2006 Order focuses access charges solely on intrastate and interstate calls, which is also evidenced by requiring prepaid calling card service providers to report the Percentage of Interstate Unit (PIU). In its summary, the 2006 Order further states: "As a result of this Order, providers of prepaid calling cards ... are *obligated to pay interstate or intrastate access charges* based on the location of the called and calling parties." 2006 Order, para. 27 (emphases added).

It is understandable that the 2006 Order limits its ruling of access charges only to intrastate and interstate due to the complexity of access charges relating to international calls. The General Clause mentioned above, however, has created a conflicting message that suggests including international calls. Therefore, I respectfully request the Commissioner clarify the following:

- whether the 2006 Order shall be interpreted to apply access charges only to intrastate and interstate calls, not to international calls.
- in the event that the 2006 Order is applicable to international calls, whether a LEC is permitted to apply its interstate tariff to the assessment of access charges for international calls.

Your response to the request is greatly appreciated. Should there be other communication channels to submit this request, please let me know. I look forward to the answers to the clarification. If there are any questions, please do not hesitate to contact me. Thank you for processing the request.

Sincerely,



Yuhong Li  
Attorney

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<sup>2</sup> Here is an exemplary statement that associates international calls only with the meaning of USF: "As noted above, all prepaid calling card providers must contribute to the federal USF based on interstate and international telecommunications revenues." 2006 Order, para. 22.